UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,608	11/12/2004	Leif Nilsson	47253-00047USPX	7839

23932 7590 04/05/2006		EXAMINER
JENKENS & GILCHRIST, PC		NELSON, ALECIA DIANE

ART UNIT	PAPER NUMBER
2629	

JENKENS & GILCHRIST, PC
1445 ROSS AVENUE
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DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 September 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All b)☐ Some * c)☐ None of:

　　　　1.☐ Certified copies of the priority documents have been received.

　　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date *5/9/05*.

4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

Priority

1.   Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which

papers have been placed of record in the file.

Information Disclosure Statement

2.   The information disclosure statement (IDS) submitted on 5/09/05 has been

considered by the examiner.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

5.   ***Claims 1-10*** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Wallace et al. (U.S. Patent No. 6,621,483) in view of Ohkubo et al. (U.S. Patent No.

5,624,117).

With reference to claims 1 and 3, Wallace et al. teaches a method and apparatus

(1) for navigating in a virtual environment provided on a display screen (see column 2,

lines 46-65) wherein a member (1) for navigating in the virtual environment is controlled

by applying a finger (6) of a user to the member (1); characterized in that navigating a

step upwards in hierarchy of commands in the virtual environment is achieved by

removing the finger from the member (1) and re-applying it to the movable physical

member within a set time limit (see abstract; column 5, lines 6-33), as recited in **claim 1**.

Wallace et al. also teaches with reference to **claim 3**, sensing means (2, 9) for sensing

a finger (6) is applied to the user surface (5) of the member (1), wherein the sensing

means is eclectically connected to a timer (40) arranged to start counting when the

finger (6) is removed from the user surface of the member (1) and to stop when the

finger (6) is re-applied to the user surface (5) of the member (1) (see column 4, line 60-

column 5, line 46; column 8, line 37-column 9, line 8).

While teaching all that is explained above there fails to be any disclosure of the

member being used in a three-dimensional environment or that the member is physical

movable for navigating in the three-dimensional environment.

Ohkubo et al. teaches a controller (6) which is capable of being operated in three-dimensional space and is movable in three directions corresponding to the X, Y, and Z-axis.

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to allow movement of the input member to navigate in three-dimensional space, as taught by Ohkubo et al. in a input device similar to that which is taught by Wallace et al. in order to thereby permit additional control information to be received for better navigation in the virtual space.

With reference to **claim 2**, Wallace et al. teaches that the set time limit is below a few seconds (see column 8, line 73-column 9, line 8).

With reference to **claim 4**, Wallace et al. teaches that the sensing means comprises an IR diode (2) and an IR detector (9) arranged in such a manner that IR light is reflected from the IR diode to the IR detector by the finger when the finger is applied to or is in the proximity of the user surface of the movable physical member (see column 5, lines 47-column 6, line 4).

With reference to **claims 5-7**, Wallace teaches that the IR diode (2) and the IR detector (9) are positioned at a base of the member, and that two light guides (4, 8) extend from the base of the member to the user surface of the member (see Figure 1).

With further reference to **claims 6 and 7**, Wallace fails to specifically teach the usage of a micro switch or conductive areas. However, the examiner takes Official Notice that the usage of optical detectors, switches, conductive surface (i.e. methods of detection in touch panel device) are well known in the art for usage as well as to be interchangeable with one another.

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to allow the usage of a micro switch or conductive surface as opposed to an optical surface, as well known in the art, with a device similar to that which is taught by Wallace, thereby providing an alternative arrangement for the user to input information into the system.

With reference to **claims 8 and 10**, Wallace teaches that the electronic device, being a mobile communications device, is provided with a display adapted to graphically display at least a part of the menu system (see column 7, lines 45-49).

With reference to **claim 9**, Wallace teaches the member as a joystick type device (see Figure 1).

Conclusion

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alecia D. Nelson whose telephone number is 571-272-7771. The examiner can normally be reached on Monday-Friday 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Sumati Lefkowitz can be reached on 571-272-3638. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

7.   Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

And/AND
April 1, 2006   SUMATI LEFKOWITZ
                                                          SUPERVISORY PATENT EXAMINER